GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

GA(SPF&MC)Department -Orders in W.P.No.8507/2021 of the High Court of Andhra Pradesh -Release of recovered amount of Rs.1,71,687/- (Rupees one lakh seventy one thousand and six hundred eighty seven only) in favour of Sri M.A. Raheem Khan, Junior Asst.(Retd) APAT (Abolished) -Orders Issued

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GENERAL ADMINISTRATION (SPF&MC) DEPARTMENT

G.O.Rt.No.1424 Dated:21.07.2023.

Read the following:-

Ref: 1. Proceedings of the Assistant Registrar-cum-DDO, Roc.No.97/2020-ADMN, dt.07.09.2020.
2. Order of Hon'ble High Court in W.P. No. 8507/2021 filed by Sri M .A. Raheem Khan, Jr. Asst.(Retd), Andhra Pradesh Administrative Tribunal (Abolished).
3. From M.A. Raheem Khan Jr. Asst.(Retd), Andhra Pradesh Administrative Tribunal (Abolished) representation, dated 07.11.2022

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ORDER:

In the reference 1st read above, an amount of Rs.1,71,687/- has been recovered from the pensionary benefits of Sri M.A. Raheem Khan, Junior Assistant, (Retd), A.P.A.T (Abolished) on account of excess payment made, as his pay was erroneously fixed at [illegible] instead of Rs.15,700/- w.e.f from 01.07.2008 under Revised Pay Scales, 2010.

2. In reference 2nd read above, aggrieved by the recovery orders, Sri M.A. Raheem Khan, Junior Assistant, (Retd) APAT (Abolished) has filed W.P. No.8507/2021 in the Hon'ble High Court of Andhra Pradesh and the Hon'ble High Court has passed the following order:

"Admittedly in the present case no notice was issued to the petitioner before adjusting excess amount paid by the respondents to the petitioner and there is no fault of misrepresentation on the part of the petitioner for the excess amount paid by the respondents. As rightly contended by the learned counsel for the petitioner a delay of twelve (12) years in adjusting the excess amount paid to the petitioner such power shall be exercised without giving the petitioner a reasonable opportunity of showing cause against the action proposed to be taken in regard to his pension and such power shall be exercised after expiry of twelve years from the date on which the pension is sanctioned by the pension first passed. In my view, the recovery or adjustment is un-called for and [illegible] in the light of the judgment in the case of [illegible]

"In view of the same the impugned order dated.07.08.2020 is hereby set aside and the respondents are directed to pay the amounts recovered i.e. 1,71,687/- to the petitioner within a period of eight (8) weeks from the date of receipt of the order, otherwise the petitioner entitled for the interest at the rate of 12% from the date of recovery of the amounts till the date of payment. The amounts with the above said direction, the Writ Petition is allowed."

P.T.O

2. In the interest of road safety, Sri M.A. Raheem Khan, Junior Assistant, (Retd) A.P.A.T(Abolished)was requested to repay the amount of Rs.1,71,687/- which was recovered from his pensionary benefits, to him as per the orders of the Hon'bleHigh Court of Andhra Pradesh in W.P.No.85071/2021,dt.30.9.2022.

3. Government after careful examination matter in consultation with advisory Departments in light of the Hon'ble High Court orders, hereby accord permission to pay an amount of Rs.1,71,687/-(Rupees one lakh seventy one thousand and six hundred eighty seven only) which was recovered from the pensionary benefits of Sri M.A. Raheem Khan, Junior Assistant, (Retd) APAT.

5. The Assistant Registrar, A.P.A.T.(Abolished), High Court of A.P., Nelapadu shall take necessary action in the matter accordingly.

6. The order issues with the concurrence of Finance Department vide their U.O.No.FIN01 HPOLITS(C)/125/2022 Dated, Dated.24.05.2023.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR. POLA BHASKAR
SECRETARY TO THE GOVERNMENT

To
The Assistant Registrar, A.P.A.T(Abolished), High Court of A.P, Nelapadu.
The Principal Accountant General (A&E), A.P., Vijayawada
The Petitioner Sri M.A. Raheem Khan, Junior Assistant, (Retd) A.P.A.T through the Assistant Registrar, A.P.A.T(Abolished), High Court of A.P, Nelapadu.
The Director of Treasuries & Accounts, Vijayawada.
The PAO, A.P.A.T(Abolished), A.P., Nelapadu.
The Finance (HP,ITI) Department, Secretariat, Amaravathi.
Copy to
The PS to Spl.CS to GH.

//FORWARDED BY ORDER//

SECTION OFFICER